

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

RICHARD WAYNE SMITH

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CASE NUMBER 4:22-CR-00191

**FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE
PURSUANT TO RULE 11(c)(1)(C)**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of a plea of guilty under Rule 11 of the Federal Rules of Criminal Procedure.

On May 26, 2023, this cause came before the undersigned United States Magistrate Judge for a plea of guilty to an Indictment charging Defendant in Count One with a violation of Title 18 U.S.C. §§ 2252(a)(1) and (b)(1) – Transportation of Child Pornography. After conducting said proceeding in the form and manner prescribed by FED. R. CRIM. P. 11, the undersigned finds that:

a. Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea in this cause by a United States Magistrate Judge, subject to a final acceptance and imposition of sentence by the District Judge;

b. Defendant and the government have entered into a plea agreement which has been filed and disclosed in open court pursuant to FED. R. CRIM. P. 11(c)(2);

c. Defendant is fully competent and capable of entering an informed plea, that Defendant is aware of the nature of the charges, the maximum penalties, and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent

basis in fact containing each of the essential elements of the offense; and

d. Defendant understands each of the constitutional and statutory rights enumerated in Rule 11(b) and wishes to waive these rights, including the right to a trial by jury.

IT IS THEREFORE RECOMMENDED that the District Court accept the Plea Agreement and the Guilty Plea of Defendant, and that Defendant should be adjudged guilty of that offense, reserving to the District Judge the option of rejecting the Plea Agreement pursuant to Rule 11(c)(5) if, after review of the presentence report, the agreed sentence is determined not to be the appropriate disposition of the case.

Defendant waived the right to object to the findings of the Magistrate Judge in this matter, and the Government also waived its right to object, so the Court will present this Report and Recommendation to the District Judge for adoption immediately upon issuance.

SIGNED this 31st day of May, 2023.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE